

DEC 15 2011

JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA,)	
)	Criminal No. 5:06cr00014-3
)	
v.)	<u>2255 FINAL ORDER</u>
)	
JOSEPH RODNEY BROOKS.)	By: Samuel G. Wilson
)	United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED and ADJUDGED

that Brooks' 28 U.S.C. § 2255 motion (Docket No. 192) is **DISMISSED without prejudice** as successive; and this case is **STRICKEN** from the active docket of the court.

Further, finding that Brooks has failed to make the requisite substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties.

ENTER: This December 15, 2011.

[Signature]

United States District Judge